

IN THE UNITED STATE DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,  
ex rel. [UNDER SEAL],

Plaintiff,

vs.

[UNDER SEAL],

Defendant.

)  
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)  
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)  
)  
)  
)

CIVIL ACTION No. 17-292

**FILED UNDER SEAL  
PURSUANT TO  
31 U.S.C. § 3730(b)(2)**

**UNDER SEAL**  
**DO NOT PUT ON PACER**

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

|                               |   |                               |
|-------------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA,     | ) |                               |
| <i>ex rel.</i> , WESSNER,     | ) | Civil Action No. 17-292       |
|                               | ) |                               |
| Plaintiff,                    | ) |                               |
|                               | ) |                               |
| v.                            | ) | <b>FILED UNDER SEAL</b>       |
|                               | ) | <b>PURSUANT TO</b>            |
|                               | ) | <b>31 U.S.C. § 3730(b)(2)</b> |
| AETNA BETTER HEALTH OF        | ) |                               |
| PENNSYLVANIA, <i>et al.</i> , | ) |                               |
|                               | ) |                               |
| Defendants.                   | ) |                               |

**THE NOTICE BY THE UNITED STATES OF ITS ELECTION TO  
DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene in this action.

Although the United States declines to intervene, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the Relator to maintain the action in the name of the United States, providing, however, that the “action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” *Id.* Therefore, the United States requests that, should either the Relator or the Defendants propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all future pleadings filed in this action be served upon the United States; the United States also requests that Orders issued by the Court be sent to its counsel. The United States reserves its right to order any deposition transcripts, to intervene in this action, for good cause, at a later date, and to seek the dismissal of the Relator’s action or claim.

The United States also requests that it be served with all notices of appeal.

Further, the United States requests that the Relator's Complaint, this Notice, and the attached proposed Order be unsealed. Finally, the United States requests that all other papers on file in this action remain under seal because, in discussing the content and extent of the investigation of the United States, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed Order accompanies this Notice.

Dated: August 25, 2021

Respectfully submitted,

STEPHEN R. KAUFMAN  
Acting United States Attorney

By: /s/ Paul E. Skirtich  
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